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For More Information

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Goals

The Indiana Department of Environmental Management is dedicated to conserving, protecting, enhancing, restoring, and managing Indiana's environment. We strive to fairly but vigorously enforce laws and standards; promulgate regulations consistent with the law and public policy; and promote conservation, pollution prevention, and a healthy and sustainable ecosystem. We are committed to making Indiana a cleaner, healthier place to live.



Voluntary Remediation Program

VOLUNTARY REMEDIATION PROGRAM

Indiana Department of Environmental Management

The Voluntary Remediation Program

The Indiana Voluntary Remediation Program (VRP) was established in 1993 making it one of the first in the nation. The idea behind this program was to encourage the cleanup of contaminated properties by the private sector offering them a Certificate of Completion and Covenant Not To Sue. Although any private party could cleanup a site without state involvement, they had no assurances that the Indiana Department of Environmental Management (IDEM) would agree with the cleanup they conducted. In addition, the property owners, purchasers, and lending institutions still had no liability protection after the cleanup was finished. With the Certificate of Completion they receive IDEM’s concurrence that the cleanup was successful and met established cleanup standards. They will also receive a Covenant Not To Sue from the Governor, which protects them, and all subsequent owners, from being subject to a state or third-party lawsuit relative to the specified cleanup.

The Voluntary Remediation Program is a risk-based cleanup program that ensures a cleanup at a level that is no less stringent than a regulated or enforced cleanup, but it provides greater control by the applicant and increased flexibility. To a large extent the applicant determines the pace of the project, the type of remedial solution, the source areas to be addressed, and the budget of the project. The remediation becomes a cooperative effort with the applicant ultimately receiving the states most coveted closure documents, the Certificate of Completion and the Covenant Not To Sue.



Eligibility and the Application

Any site owner, operator, or perspective purchaser, who wishes to clean up property that has been contaminated with petroleum or hazardous substances is potentially eligible to participate in the Voluntary Remediation Program. The first step in the Voluntary Remediation process is to complete and submit an application with a \$1000.00 application fee. An application submitted by a political subdivision is not required to pay the application fee.

A complete application may be rejected if:

- 1. A state or federal enforcement action concerning the proposed cleanup is pending; or
- 2. A federal grant compels IDEM to take enforcement action; or
- 3. Conditions at the site are considered to be an imminent and substantial threat to human health or the environment.

Voluntary Remediation Agreement

Upon acceptance into the Voluntary Remediation Program, a contractual agreement between the IDEM and the applicant must be signed. The Voluntary Remediation Agreement is a standard document that identifies the obligations of both parties. Program participants are expected to cooperate and adhere to certain standards in the investigation of the extent and nature of contamination, the evaluation and recommendation of remedial actions and the level of cleanup attained. In addition, the applicant agrees to reimburse IDEM for the costs that it incurs in reviewing work plans and reports, lab analysis, and for oversight of the cleanup itself. IDEM will provide the applicant with an estimate of review and oversight costs within the Agreement. The Agreement also establishes deadlines for the completion of milestone tasks, and the schedule for payments by the applicant to IDEM. Once the Agreement is signed, the applicant is required to submit a series of work plans and reports for IDEM’s review.

Upon receipt of a report, the IDEM will begin a review of the document. Both VRP staff and an IDEM contracted environmental consultant perform this review.



The purpose for having an external review is to provide a second, independent technical review of the document that acts as a quality assurance mechanism and ultimately strengthens the Remediation Work Plan that is the basis for the Certificate of Completion and the Covenant Not To Sue.

Phase II Report

The Phase II Report discusses the participant’s investigation of all areas of environmental concern on the site that will be addressed in this program. In other words, each portion of the site for which closure is sought must be adequately investigated. The source area(s) and specific contamination must be identified. The full extent of the contamination must be delineated in all media, both on and off site. This document is reviewed to make sure that the area ultimately addressed in the Remediation Work Plan accurately represents the impacted portions of the site.

Remediation Work Plan

The Remediation Work Plan declares, in detail, all remedial activities to be undertaken on the site. It describes the method of cleanup and provides the timelines anticipated for completion. It also establishes the cleanup area(s) and discusses the confirmatory sampling that will be required for site closure. This document is reviewed to ensure that all affected areas are to be addressed adequately. In addition, it is reviewed to ensure that the cleanup methods are applicable to the specific contaminants and media. Finally, it is reviewed to verify that the confirmatory sampling plan proposed will adequately represent site conditions. Upon technical approval from the VRP project manager, this document must be public noticed for a period of thirty (30) days. This allows all potentially affected parties, and the public, the ability to voice concerns and ask questions regarding the Remediation Work Plan.

If there are no substantial changes to the document, it is formally approved by the agency. Upon formal approval of the Remediation Work Plan, remediation work may begin.

Cleanup Criteria

Cleanup criteria for sites within the Voluntary Remediation Program consist of a combination of performance and quantitative standards. The performance standards apply to all cleanups. Quantitative standards are based on a three-tiered approach that includes background levels, default risk-based standards and non-default (site specific) risk-based standards. The IDEM and representatives of the site both collect confirmatory samples that each then sends to their respective laboratories for analysis. The location and quantity of these samples is agreed to in the Remediation Work Plan. The results are then compared to the appropriate IDEM cleanup standards requested in the Remediation Work Plan.

Completion Report

When the remediation is completed, the applicant submits a Remediation Completion Report. The Completion Report contains sampling results confirming that cleanup criteria have been met as well as any additional information necessary to demonstrate that the Remediation Work Plan has been successfully completed.

Certificate of Completion and Covenant Not To Sue

After approval of the Completion Report indicating a successful end of the remediation project, IDEM’s Commissioner will issue a Certificate of Completion. After the Certification of Completion has been recorded onto the deed of the property, the Governor’s office will sign the Covenant Not To Sue.

